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DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
Privacy Act of 1974; System of Records

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of a Modified System of Records.

SUMMARY: The Federal Energy Regulatory Commission (FERC) is publishing notice of modifications to an existing FERC system of records, FERC-41 titled *FERC Transit Subsidy Program (TSP) Records*. This notices adds 10 new routine uses, including two prescribed by the Office of Management and Budget (OMB) Memorandum M-17-12, *Preparing for and Responding to a Breach of Personally Identifiable Information*, January 3, 2017, that will permit FERC to disclose information as necessary in response to an actual or suspected breach that pertains to a breach of its own records or to assist another agency in its efforts to respond to a breach. This System of Records Notice (SORN) also describes the system's manager and location change.

DATES: In accordance with 5 U.S.C. § 552a(e)(4) and (11), this system of records notice is effective upon publication, with the exception of the routine uses, which will go into effect 30 days after publication of this notice, on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], unless comments have been received from interested members of the public requiring modification and republication of the notice. Please submit any comments by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Any person interested in commenting on the establishment of this modified system of records may do so by submitting comments electronically to:

Privacy@ferc.gov (Include reference to “FERC 41 - Commission Transit Subsidy Program (TSP) Records” in the subject line of the message.)

For United States Postal Service-delivered mail:

Director, Office of External Affairs
Federal Energy Regulatory Commission
888 First Street NE
Room 4A-05
Washington, DC 20426

For hand-delivered or courier-delivered mail:

Director, Office of External Affairs
Federal Energy Regulatory Commission
12225 Wilkins Avenue
Rockville, Maryland 20852

FOR FURTHER INFORMATION CONTACT:

Chief Human Capital Officer
Office of the Executive Director
888 First Street, NE
Washington, DC 20426
(202) 502-6270

SUPPLEMENTARY INFORMATION:

The FERC Transit Subsidy Program (TSP) notice includes 10 new routines, including two prescribed routine uses that will permit FERC to disclose information as necessary in response to an actual or suspected breach that pertains to a breach of its own records or to assist another agency in its efforts to respond to a breach. This notice also addresses the system’s manager and location change.

SYSTEM NAME AND NUMBER:

FERC Transit Subsidy Program (TSP): FERC-41

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Energy Regulatory Commission
Logistics Operations, Logistics Management Division
888 First Street, NE
Washington, DC 20426

SYSTEM MANAGER(S):

Logistics Operations Branch Chief
Federal Energy Regulatory Commission
Logistics Operations, Logistics Management Division
888 First Street, NE
Washington, DC 20426

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

41 CFR §101–6.3-*Ridesharing*
Public Law 103-172, Federal Employees Clean Air Incentives Act (5 U.S.C., Section 7905)

PURPOSE(S) OF THE SYSTEM:

The FERC Transit Subsidy Program (TSP) Records system supports the overall management of transit subsidy operations for the agency. The application is managed and controlled by the Commission's Logistics Management Division and is utilized by authorized users to submit applications for the federal government's transit subsidy benefits program; authorized users are able to electronically submit applications to request transit subsidies. Information is used to track employees' commuting expenses and to monitor the program budget. Information maintained in the system are the employee's names, monthly costs of commuting, modes of transportation, home addresses, phone numbers, and SmarTrip card numbers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by the system are employees of FERC actively enrolled in the transit benefits program who use public transportation and are receiving commuting cost disbursements.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Transit Subsidy Program system maintains records on employee's name, office and home address, office phone number, monthly commuting cost, SmarTrip card number, and mode of public transportation.

RECORD SOURCE CATEGORIES:

Information is obtained from current employees seeking to participate in the federal government's employee transit subsidy benefits program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act, information maintained in this system may be disclosed to authorized entities outside FERC for purposes determined to be relevant and necessary as a routine use pursuant to 5 U.S.C. § 552a(b)(3) are as follows:

1. To appropriate agencies, entities, and persons when (a) FERC suspects or has confirmed that there has been a breach of the system of records; (b) FERC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary

to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To another Federal agency or Federal entity, when FERC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (c) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.
3. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.
4. To the Equal Employment Opportunity Commission (EEOC) when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law or regulation.
5. To the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.
6. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, where the record is relevant and necessary to the proceeding and the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge.

7. To the Department of Justice (DOJ) for its use in providing legal advice to FERC or in representing FERC in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by FERC to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest: (a) FERC; (b) any employee of FERC in his or her official capacity; (c) any employee of FERC in his or her individual capacity where DOJ has agreed to represent the employee; or (d) the United States, where FERC determines that litigation is likely to affect FERC or any of its components.
8. To non-Federal Personnel, such as contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of FERC or Federal Government and who have a need to access the information in the performance of their duties or activities.
9. To the National Archives and Records Administration in records management inspections and its role as Archivist, as permitted by 44 USC §§ 2904 and 2906.
10. To appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the record indicates a violation or potential violation of civil or criminal law, rule, regulation, order.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic format and stored by individuals first and last names. In addition, all FERC employees and contractors with authorized access have undergone a thorough background security investigation. Data access is restricted to agency personnel or contractors whose responsibilities require access. Access to

electronic records is controlled by user ID and password combination and/or other network access or security controls (e.g., firewalls). Role based access is used to restrict electronic data access and the organization employs the principle of least privilege, allowing only authorized users with access (or processes acting on behalf of users) necessary to accomplish assigned tasks in accordance with organizational missions and business functions.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by employee's Name or SmarTrip card number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained in accordance with the applicable National Archives and Records Administration schedules, including Items 130, Transportation Subsidy Program Administrative Records and 131, Transportation Subsidy Program Individual Cases Files, at <https://www.archives.gov/files/records-mgmt/grs/grs02-4.pdf>. Item 130 are temporary, destroyed when 3 years old, but longer retention is authorized if required for business use. Item 131 are temporary, destroyed 2 years after employee participation concludes, but longer retention is authorized if required for business use. Additionally, records are retained in accordance with General Records Schedule (GRS) 5.2: Transitory and Intermediary Records (GRS 5.2 Item 020 Intermediary Records: <https://www.archives.gov/files/records-mgmt/grs/grs05-2.pdf>).” Materials, including hard copy printouts derived from electronic records created on an ad hoc basis for reference purposes or to meet day-today business needs, are destroyed when the Commission

determines that they are no longer needed for administrative, legal, audit, or other operational purposes.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Physical access to FERC is controlled by security guards and admission is limited to those individuals possessing a valid identification card or being escorted by an authorized FERC representative. Data center buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures. Physical access to the server rooms is limited to authorized personnel only. Records are maintained in lockable file cabinets in a lockable room with access limited to those employees whose official duties require access; servers are stored in secured facilities in cipher locked server rooms. Computer data is secured by password. The system is secured with the safeguards required by FedRAMP and NIST SP 800-53.

RECORD ACCESS PROCEDURES:

Paper records are maintained in lockable file cabinets in a lockable room with access limited to those employees whose official duties require access. Digital records are accessed by authorized employees by using their user ID and password.

Submit a Privacy Act Request:

The Privacy Act permits access to records about yourself that are maintained by FERC in a Privacy Act system of records. In addition, you may request that incorrect or incomplete information be changed or amended. Privacy requests follow FERC's Freedom of Information Act (FOIA) request process. You may access the FOIA website at <https://www.ferc.gov/freedom-information-act-foia-and-privacy-act>.

For questions: Contact the FOIA Service Center at 202-502-6088 or by email at foia-ceii@ferc.gov. Written request for access to records should be directed to:

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Director, Office of External Affairs
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

For hand-delivered or courier-delivered mail:

Director, Office of External Affairs
Federal Energy Regulatory Commission
12225 Wilkins Avenue
Rockville, Maryland 20852

CONTESTING RECORD PROCEDURES:

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NOTIFICATION PROCEDURES:

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EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None

HISTORY:

FERC previously published the Transit Subsidy Program (TSP) Records in the Federal Register as Transit Subsidy Program (TSP) Records. The previous Federal Register notice citation is Federal Register Vol.65, No. 79, Monday, April 24, 2000.

Issued: December 10, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

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